

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CONGREGATION RABBINICAL COLLEGE OF  
TARTIKOV, INC., RABBI MORDECHAI BABAD,  
RABBI MEILECH MENCZER, RABBI JACOB  
HERSHKOWITZ, and RABBI CHAIM ROSENBERG,

**7:20-cv-06158-KMK**

Plaintiffs,

-against-

VILLAGE OF POMONA, NY and BOARD OF TRUSTEES OF  
THE VILLAGE OF POMONA, NY,

Defendants.  
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**DECLARATION OF MORDCHO BABAD**

Mordcho Babad, declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a citizen of the United States and of New York, and I reside in Monsey, New York.
2. I am a Jew.
3. I am part of the Hasidic and Orthodox Jewish communities.
4. I speak Yiddish.
5. I believe that Jewish law (or “Halakhah”) is a religiously based system, and the religious beliefs of its adherents require them to obey its tenets.
6. I believe that the principal body of Jewish law (known as Biblical law) was communicated in non-written form from G-d to the Jewish people through Moses. This communication had two parts. One part was intended to be, and was, committed to writing. This part is known as the “Written Torah” or the “Five Books of Moses.”
7. I believe that the second part of the communication from G-d was intended not to be written, but, instead, to be taught orally directly from teacher to student. This portion is known as the “Oral Torah.” Together, the Written Torah and Oral Torah constitute the Torah.
8. I believe that the Torah embodies the word and will of G-d and that it is

authoritative. Therefore, I am religiously and morally obligated to follow its rules.

9. As a Hasidic Jewish man, I was religiously obligated to marry at a young age and have a large family.

10. I am married. My wife and I have sixteen children.

11. The religious basis for having a large family is rooted in Genesis: G-d told Adam and Eve, representing all humankind to "be fruitful and multiply." Genesis 1:28; and again after the flood that consumed almost all of humankind, G-d repeated this command to Noah and his sons on the Ark, Genesis 9: 1, 7, and to Jacob when he entered the land of Israel, G-d said to him: "I am the Almighty G-d; be fruitful and multiply." Genesis 35:11.

12. After attending yeshiva, I married, and began studying at Bais Medrash Elyon.

13. Subsequently, when Mechon L'Hoyroa opened, I continued my study of Torah there, and began my study of the Shulchan Aruch.

14. As a Hasidic Jewish male, I believe that I am biblically commanded to engage in rabbinic study, study of Torah.

15. I believe that, as G-d commanded in Deuteronomy 6:5-9, I have a religious duty to study the Torah day and night, to speak of the Torah's precepts while I sit in my home, while I walk on the way, when I retire and when I arise.

16. Our sages and religious teachers have explained that "the study of the Torah is Judaism's highest ideal" and not only a "sacramental act" but the greatest of all *mizvots* or commandments.

17. I continue with my studies at Mechon L'Hoyroa and also serve as a rabbinical judge for disputes brought to Mechon L'Hoyroa. I do not receive compensation for my services as a rabbinical judge at Mechon L'Hoyroa.

18. In addition to serving as a judge for such disputes, I also assist those with questions about what Jewish law requires in daily life, from things like morning prayers to one's duties to G-d, to family, and to neighbors.

19. Our family, the Babads, has a history, going back over approximately 400 years, of service to Judaism. The first Rabbi Babad served in Krakow around four centuries ago. His children added "Babad" to their signatures; Babad was actually an acronym standing for "Benei Av Bet Din," which translates as "children of the av bet din." Over time, Babad rabbis could be found in over 40 cities and towns in Europe, particularly in Poland and Ukraine.

20. With the horrors of the Holocaust and World War II, much of that was lost in Europe, as were many of our family and the Babad rabbis and rabbinical judges.

21. The Shulchan Aruch is the code of Jewish law.

22. The Shulchan Aruch guides Jews in every aspect of daily living, family, relations among neighbors, and business.

23. The Shulchan Aruch includes four categories of law:

a. The Orach Chaim are the laws about daily life, from arising in the morning to retiring to bed: the order of prayers and blessings; laws regarding meals; laws about worshipping in the synagogue; what to do on the Sabbath and holidays;

b. The Yoreh De 'ah are laws about dietary issues ("Kosher"); laws of mourning, laws of family purity, laws about Israel, laws of religious conversion to Judaism, when interest is permitted or not.

c. The Even Ha'ezer are laws of marriage and divorce.

d. The Chosen Mishpat are laws of finance, civil wrongs; legal procedure and loans in Judaism.

24. A semichah is granted by a senior rabbi to a junior rabbi. A semichah says that the senior rabbi considers the junior rabbi qualified to address questions of Jewish law.

25. When a rabbi who is more senior in his studies of the Code of Jewish laws is satisfied that a more junior student can answer such questions for others, he may grant to that student a semicha.

26. With the semicha, one can teach about, and answer questions about G-d, His commandments, and how to live, in addition to serving as a rabbinical judge.

27. I have received four semichahs that were awarded to me, here in America, and in Israel.

28. As a matter of religious faith, I believe that we Jews are prohibited from resolving our disputes in secular courts, so there is a need for rabbinical judges.

29. Not every rabbinical judge is qualified to answer questions on all parts of the Shulchan Aruch.

30. Jewish religious sources explain that by serving as a judge and resolving disputes between people according to the true intent of the law, a rabbinical judge is a partner with G-d.

31. These religious resources explain that, by settling disputes among our people, dayanim (rabbinical judges) enable the world to continue to exist, because without courts and due process of law, anarchy would ensue.

32. These religious resources also teach us that, by sitting in judgment as a rabbinical judge, one basks in the presence of G-d because the Holy One, blessed be He, leaves the highest heavens and causes His Shekhinah (Divine Presence) to rest at the judge's side.

33. Thus, serving as a religious judge is a spiritually fulfilling act.

34. As a matter of religious faith, I believe that only qualified Jewish religious judges shall hear and decide disputes between and among Jews.

35. Disobeying this religious commandment is very serious because, I believe, that by going to the civil courts, a Jew ignores the holy laws and legal system that G-d made just for the Jewish people and instead chose the laws and rules made by man.

36. Orthodox and Hasidic Jews also look for help on a daily basis from the dayananim (religious judges) on the many religious issues that come up because our religious laws direct every part of our lives.

37. I believe that our community currently does not have a sufficient number of qualified dayananim to meet our spiritual duty of resolving our disputes through religious courts, and those judges often do not have the complete training necessary to address all the matters governed by the Code of Jewish Law.

38. Chaim Babad is my brother. Chaim told me about the plan to build a rabbinical college in the Village of Pomona. He and Michael Tauber asked me to serve as the dean of the college.

39. I understand from Chaim Babad and Michael Tauber that my responsibilities as dean will be to address the academic aspect of the college; I believe that fundraising for the college and its needs, which might be under the purview of responsibilities for some deans, will not be something that I am expected to do. I am motivated by my religious belief to be the dean and to teach at the rabbinical college.

40. In order to meet the spiritual needs of our people, the planned college will train its students in the complete Shulchan Aruch, all four divisions.

41. To study, learn and master the complete Shulchan Aruch will require that students devote themselves to the task for many years.

42. The study of the Shulchan Aruch depends on the relationship between the scholar students and the teachers, on the commitment of time and mind to the task, on the collegial relationships between scholar students as they work together in their studies and on the availability of a large body of studies and commentaries on the divisions of the Shulchan Aruch.

43. In a Torah community also known as a Bais Din community, the scholar students and teachers are all of one mind, thinking always of the Torah, discussing the Torah, asking and answering questions about the Torah.

44. In a Torah community, we separate ourselves from the distractions of the outside world, excluding ourselves from the distractions of news, business, and the like. This separation follows the teaching of our sages that we should exile ourselves to a place of Torah.

45. Living in a Torah community will allow our students to fulfill their religious beliefs that they study the Shulchan Aruch day and night, and to discuss and explore it with their fellow students and teachers constantly.

46. The facilities and campus that Congregation Rabbinical College of Tartikov is seeking to build will foster and support the intense, serious, and dedicated study of the Shulchan Aruch that is required to meet our obligation to provide rabbinical judges to our community.

47. Living in a Torah Community is not simply one choice among many. As explained in Mishnah Avos, a rabbi was offered great riches to move from his Torah Community to another town, and the rabbi responded that even if he were offered all the gold, silver, and pearls in the world, he would not depart from the Torah community.

48. Tartikov will be a specialized kollel rather than a regular kollel; in a regular kollel, students could spend a half a day or a full day studying anything related to Jewish studies, history, the Bible, Talmud, or other related topics; Tartikov will specialize in a directed and intensive study of the Shulchan Aruch.

49. In addition to study of the Shulchan Aruch, our students are religiously obliged to sit with rabbinical judges and observe as they conduct their cases. “Shimush Talmedei Chachamim” is this religious practice of students observing the work of rabbinical judges, interacting with those judges as they consider cases, and learning how the Code of Jewish Law addresses the many kinds of matters brought to rabbinical judges for resolution or guidance.

50. Because of the students’ need to participate in Shimush Talmedei Chachamim as preparation to serve as rabbinical judges, Tartikov plans and intended to provide religious courtroom facilities on the campus for the training of students.

51. If the college is built, Rabbi Meilech Menczer, Rabbi Jacob Hershkowitz, Rabbi Chaim Rosenberg, and Rabbi David Menczer will all be admitted into the college. Each of them has demonstrated that they are serious students willing to make the necessary commitments and are qualified.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: October 15, 2020  
Nanuet, New York

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Mordcho Babad